

AN ORDINANCE CONCERNING THE PLACEMENT OF
SIGNS WITHIN THE CITY LIMITS OF FORT
WAYNE, INDIANA.

WHEREAS, the present ordinance entitled Signs is in need
of revision.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 34 of the Municipal Code of the
City of Fort Wayne is repealed.

SECTION 2. That there is hereby established and adopted
a new ordinance which shall constitute a new Chapter 34 of
the Municipal Code of Fort Wayne as follows:

Section:		Purpose
	34.010	Definitions
	34.020	Requirement of Permit
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	34.040	Miscellaneous Provisions
	34.050	Residential Districts
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	34.110	Temporary Signs
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	34.180	Penalties and Injunctive Relief
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	34.200	of This Chapter
	34.300	Reference Charts

34.010 Purpose

The purpose of this ordinance shall be to coordinate the
type, placement, and physical dimensions of signs within the
different zoning districts; to recognize the commercial
communication requirements of all sectors of the business
community; to encourage the innovative use of design; to
promote both renovation and proper maintenance; to allow for
special circumstances; to guarantee equal treatment under the
law through accurate record keeping and consistent
enforcement; to protect and promote property values of the
community; and to improve the appearance and aesthetic
quality of the community.

34.020 Definitions

For the purposes of this chapter, the following words and
phrases shall have the meanings respectively ascribed to them
by this section:

- (A) Area of Sign shall mean the area in square feet of the
smallest, simplest, single geometric figure which
encloses the area which forms the outside shape of the

sign face.

- 1 (B) Construction Sign shall mean any sign announcing the
2 names of architects, engineers, contractors or other
3 individuals or firms involved with the construction,
4 alteration, or repair of a building project or
5 announcing the character of the building enterprise or
6 the purpose for which the project is intended.
- 7 (C) Development Parcel shall mean a combined use of parcels
8 and/or lots in singular and/or common ownership which
9 has shared development characteristics, such as but not
10 limited to parking, access, and/or service areas.
- 11 (D) Direction Sign shall mean any sign which serves solely
12 to designate the location or direction of any area or
13 place.
- 14 (E) Directory Sign shall mean a sign which provides a
15 listing of uses or tenants within a particular building
16 or complex of buildings.
- 17 (F) Facade shall mean any face of a building which faces a
18 street, private roadway, parking lot, or pedestrian
19 walkway.
- 20 (G) Flashing Sign shall mean any sign which flashes or
21 appears to flash by a powered light source.
- 22 (H) Free-standing Sign shall mean a sign that is erected on
23 a frame, mast or pole which is not attached to a
24 building.
- 25 (I) Height of a Sign shall mean the distance between the
26 lowest grade level within two (2) feet of either side of
27 a sign, and the highest part of the sign or its support-
28 ing structure;
- 29 (J) Lineal, for purposes of this ordinance, shall mean a
30 distance in any direction along frontage on both sides
31 of a street and cross streets. This term shall not
32 apply to signs located on parallel streets.
- (K) Marquee Sign shall mean a sign designed and/or
constructed as an integral part of a marquee or giving
the appearance of being an integral part of a marquee.
Marquee signs shall also include canopy and awning
signs.
- (L) Mobile Sign shall mean a sign which is designed to be
moved from one location to another, and is not
permanently affixed to the ground or to a structure that
is permanently affixed to the ground.
- (M) Off-Premise Sign shall mean any sign which identifies or
directs attention to a product, service, or activity or
business not conducted on the premises on which the sign
is located.
- (N) On-Premise Sign shall mean any sign which identifies or
directs attention to a product, service, activity or
business conducted on the premises on which the sign is
located.
- (O) Projecting Sign shall mean a sign other than a wall sign
which is attached to and projects from a structure or
building face and does not project above the roof line
or the cornice wall;
- (P) Sign shall mean any identification, description, symbol,
illustration or device which is in view of the general

public and which identifies or directs attention to a person, place, product, service, activity, institution or business.

(Q) Top Roof Line shall mean the principle top edge of the roof of a building;

(R) Wall Sign shall mean any sign attached or affixed to the wall of a building which projects no more than twelve (12) inches from said wall surface;

34.030 - Requirement of Permit

An Improvement Location Permit shall be required before the erection, construction, placing or locating of all signs regulated by this ordinance, except as otherwise exempted in this Chapter.

34.040 - Maintenance and Removal

(A) All signs, including, but not limited to, those signs for which permits are required, shall be maintained in a good state of repair, including replacement of defective parts, painting, cleaning and other acts required for the maintenance of said sign.

The Department of Neighborhood Code Enforcement shall have the right of entry in order to inspect all signs for compliance with the provisions of this ordinance. When any sign is not maintained within the provisions of this ordinance or determined otherwise unsafe, the Neighborhood Code Enforcement Officer, or his/her authorized representative, shall send written notice to the owner of the property on which the sign is located to remove, repair or alter the sign. If said sign is not removed, repaired, or altered within 90 calendar days, the Neighborhood Code Enforcement Officer, or his/her authorized representative, can cause the sign to be removed, repaired, or altered at the expense of the owner of the property in accordance with the provisions of this Chapter and as set forth under 34.190.

(B) Non-conforming signs that have not served any identifiable purpose for three hundred and sixty-five (365) calendar days shall be considered as not performing their intended function, and shall be removed.

If such sign is not removed, the Neighborhood Code Enforcement Officer shall send written notice to the owner of the property on which such sign is located notifying the owner that such sign must be totally removed within thirty (30) calendar days from receipt of the notice. If the owner fails to effect such removal, the City may cause such removal at the expense of the owner of the property. Any and all costs incurred may be a lien against the property or may result in other legal action and as set forth under 34.190.

(C) For regulations pertaining to non-conforming signs, see section 34-160 of this chapter.

34.050 - Miscellaneous Provisions

(A) No sign or part thereof shall be erected or maintained except in conformance with the provisions of this Chapter;

(B) Signs may be illuminated by an external light source, provided that the source shall be effectively concealed

from view. Signs which incorporate in any manner any flashing, moving or revolving illumination are not permitted except as provided in this Chapter and provided that the illumination of any sign shall not exceed 300 foot lamberts as measured at any point on the property line upon which the sign is located;

(C) No sign shall blink or flash, nor be illuminated by any device so as to appear to blink or flash, except as otherwise expressly provided in this Chapter;

(D) No sign shall be erected upon, maintained in, encroach upon or overhang any public right-of-way without the approval of the Board of Public Works, except as expressly provided in this Chapter and State and Federal law as amended. However, all other applicable standards of this Chapter shall apply.

(E) The area of a V-type sign not exceeding an angle of sixty degrees (60°) is calculated on one face of the sign only;

(F) No sign shall be painted on or attached to rocks, trees, or any other natural object, except monument signs;

(G) Sign regulations for uses permitted by the Board of Zoning Appeals, and/or non-conforming uses shall be as follows:

(1) Pursuant to the restrictions and regulations for the signs in the district in which located, or

(2) A wall and/or free standing sign of up to thirty-two (32) square feet in area. A free standing sign shall neither exceed six (6) feet in height nor have a front and side yard setback of less than five (5) feet.

This sub-section shall not have precedent over any direct stipulations imposed by the Board of Zoning Appeals.

(H) Strings of light bulbs are prohibited, unless as decorations associated with a recognized legal holiday or city festival, in no case to be permitted beyond a forty-five (45) day period, and consistent with all other regulations in this Chapter;

(I) One mobile sign per development parcel may be located in B-1A, B-1B, B-3B, B-4, M-1, M-2 and M-3 districts. Such sign shall be permitted up to two (2) times a calendar year not to exceed thirty (30) days per permit. Such sign shall be located a minimum of five (5) feet from any lot line and shall not exceed thirty-two (32) square feet in area;

(J) In all nonresidential zoning districts, a roof sign may be permitted as an alternative to a permitted free-standing sign under the following conditions:

(1) The business for which the roof sign is sought offers no feasible opportunity for placement of a free-standing sign as otherwise authorized within the zoning district;

(2) The roof signs shall not be higher than the district height limitation for buildings;

(3) All such roof signs shall be finished in such a manner that the visual appearance from all sides is that they are a part of the building itself;

(4) A sign on a sloping roof must be a minimum of one (1) foot below the top roof line;

(5) The permitted roof sign shall be no larger in area than the free standing sign permitted in the zoning district in which said sign is to be located;

(6) Such sign shall not be located closer than sixty (60) feet to a residential district.

(K) On-premise free-standing signs shall be located a minimum of one hundred (100) feet from all residentially zoned districts.

A free-standing sign may be installed less than one hundred (100) feet from a residentially-zoned district provided the sign height and square footage is reduced in direct proportion to the distance the sign is located from a residential district. In no event shall a sign be permitted closer than twenty-five (25) feet to a residentially-zoned district;

(L) Unless the term "lineal" as defined and used in this ordinance is specifically stated in any particular subsection, the means of measurement shall be determined on a radial basis.

(M) Radial measurements as used in this ordinance shall start from the center of the sign base at grade, and extend outward in a circular manner for the distance specified.

(N) Lineal measurements as used in this ordinance shall start from the center of the sign base at grade as projected at a right angle to the nearest right-of-way line, and then extend as specified. Where the center of the sign base is equidistance from two or more right-of-way lines, the more restrictive limitation shall be applied.

(O) As used in this ordinance, the Central Business District shall be defined as that area bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north. The Central Business District has a unique identity and contains special physical conditions found nowhere else in the city. Because the Central Business District is such a unique and individual environment, it is not in the best interest of the revitalization efforts that are ongoing in this area to permit off-premise signs. Therefore off-premise signs as defined in this Ordinance shall not be permitted in the Central Business District.

34.060 - Permitted Signs: Residential Districts

RA, RB, R-1, R-2, and R-3, ZONING DISTRICTS.

One on-premise wall sign, not to exceed one (1) square foot of copy area, non-illuminated and nonreflecting, used to identify block parents, the name of the premises or occupants thereof, or to provide similar information is permitted, with the exception of signs expressly permitted under Section 34.050 (G).

34.070 - Permitted Signs: Office District

(A) POD ZONING DISTRICT

(1) One on-premise wall sign for each main building, not to exceed fifty (50) square feet, limited to

- 1 (1) One on-premise wall sign for each main building,
2 not to exceed fifty (50) square feet, limited to
3 identifying the building or activity being
4 conducted on the premises, is permitted per street
5 frontage.
6
7 (2) One on-premise free-standing sign per entrance,
8 identifying the name of the office park or activity
9 conducted within the district shall be permitted.
10 Such sign shall not exceed thirty-two (32) square
11 feet in area, shall have a maximum height of six
12 (6) feet, and shall be permitted with a five (5)
13 foot setback from the front lot line. Such sign
14 shall not face any residential district fifty (50)
15 feet away.
16
17 (3) If there is more than one building, a freestanding
18 directory sign is permitted for each building.
19 Such sign shall be located in the interior of the
20 development with a maximum height of six (6) feet
21 and may not exceed fifty (50) square feet in total
22 area.
23
24 (4) Any proposed sign other than as permitted above
25 shall be subject to City Plan Commission review as
26 part of the development plan process. The sign
27 regulation in sub-paragraphs (1), (2), and (3)
28 above may be modified by the Plan Commission with
29 the granting of development plan approval in
30 conformance with the other requirements of the POD
31 zoning district and other development plan
32 procedures.
33
34 (5) Pre-existing Signs Any sign that was legally
erected in this district prior to November 6, 1986 shall be
deemed to have received Plan Commission approval as herein
required and shall not be a non-conforming sign. Such sign
may be converted without Plan Commission approval for new
tenants, as long as the location and copy area remains the
same or less than that of the pre-existing sign.

34.080 - Permitted Signs: Business Districts

- 35 (A) B-1A And B-1B ZONING DISTRICT
36 (1) On-premise wall sign(s) on building facades,
37 attached to the face of the building, or mansard
38 roof or substantially parallel thereto and not
39 projecting beyond or above the roof or top of
40 the cornice wall, are permitted. The copy area of
41 such wall sign(s) per building facade shall not
42 exceed one hundred (100) square feet .
43
44 (2) One on-premise free-standing sign per development
45 parcel per street frontage is permitted.
46
47 (i) The free-standing sign shall not exceed one
48 hundred (100) square feet in area and not
49 exceed thirty-five (35) feet in height. Such
50 sign may be located a minimum of five (5) feet
51 from any front and side lot line.
52
53 (ii) See Section 34-050 (K) for residential spacing
54 requirements.

1 (3) In lieu of the sign permitted in paragraph (2),
2 above, one on-premise projecting sign is
3 permitted. Said projecting sign may project from a
4 building a maximum of six (6) feet and may project
into a required front yard. Such sign shall have a
minimum ground clearance of eight (8) feet above
the walk or grade below. The maximum area of such
sign shall be forty (40) square feet.

5 Where more than one business is located on the
6 development parcel, the on-premise projection signs
shall be combined, and resultant sign shall not
exceed seventy-five (75) square feet in total area.

7 (4) One on-premise marquee sign may be attached to the
8 marquee but not extend into or over the public
9 right-of-way, provided such signs do not exceed
10 five (5) feet in height and may extend as long as
11 the marquee. Those signs projecting above or below
12 the marquee shall be erected at a ninety degree
(90°) angle to the building, and shall project no
more than six (6) feet with a minimum clearance of
eight (8) feet above the walk or grade below. The
sign shall not project above the cornice or roof of
the building.

13 (5) Off-premise signs not exceeding one hundred (100)
14 square feet in total area are permitted except in
15 the Central Business District which is bounded by
16 the railroad right-of-way to the south, Clay Street
to the east, Van Buren Street to the west, and the
river to the north.

17 (i) Each off-premise sign may contain a maximum of
18 two (2) sign faces facing the same direction
19 as long as the total sign area is not exceeded
and the two (2)
faces are not separated by more than twelve
(12) inch distance.

20 (ii) Such sign shall be no closer than fifteen (15)
21 feet to the front lot line, and shall not
exceed thirty-five (35) feet in height.

22 (iii) Such sign shall be spaced at least three
23 hundred (300) lineal feet from any other
off-premise sign.

24 (iv) Such off-premise sign shall not be located
25 within a two hundred fifty (250) foot radius
26 from any City or County residential district
27 or from any church, school and health care
facility. Such off-premise sign shall not be
located closer than one hundred fifty (150)
lineal feet from any City or County office
district.

28 (v) A double-faced off-premise sign or a V-type
29 off-premise sign not exceeding an angle of
30 sixty degrees (60°) and not further than
31 twelve (12) inch at the closest point between
the two faces shall be exempt from the spacing
requirements between such two sign faces only.

32 (B) B-2 ZONING DISTRICT

In the B-2 zoning district, only on-premise signs are
permitted.

(1) Except as provided herein, all signs shall be attached to a building and shall not project above the top of the building to which they are attached. Signs attached to a building shall be substantially parallel thereto and shall not project more than one (1) foot from the face thereof. All signs must show only the name and use of the store or premise for which they are erected or the identification for the entire commercial area. The copy area of wall signs per store facade shall not exceed twenty-five percent (25%) coverage of the wall surface or the square footage of a free-standing sign in that district, whichever is less.

(2) One on-premise free-standing sign identifying the entire commercial area and not exceeding the maximum square footage in area or height as provided in this section may be permitted on each public street abutting the perimeter of such district. If the frontage along a public street exceeds eight hundred (800) feet, there may be two free-standing signs permitted but not located closer than five hundred (500) feet from any other free-standing sign. In addition, any single user commercial pad area within the district which has an area of one (1) acre or more shall be permitted one on-premise free-standing sign, not exceeding thirty-five (35) square feet in area and four (4) feet in height.

Conforming signs are permitted in the required front yard but not closer than five (5) feet from the front property line. The maximum square footage and height for signs in each district shall be:

B-2A -	Area: 200 square feet Height: 35 feet
B-2B & B-2C -	Area: 300 square feet Height: 40 feet
B-2D -	Area: 400 square feet Height: 50 feet

(3) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below. The sign shall not project above the cornice wall or roof of the building.

(4) Any proposed signs other than as permitted above shall be subject to Plan Commission review and approval as part of the development plan process. The sign regulations in subparagraph (1), (2), and (3) above may be modified by the Plan Commission with the granting of Development Plan approval in conformance with all other requirements of the applicable Development Plan procedures.

- 1 (5) Pre-existing Signs: Any sign that was legally
2 erected in this district prior to November 6, 1986
3 shall be deemed to have received Plan Commission
4 approval as herein required and shall not be a
5 nonconforming sign. Such sign may be converted
6 without Plan Commission approval for new tenants,
7 as long as the location and copy area remains the
8 same or less than that of pre-existing sign.

9 C) B-3-A ZONING DISTRICT

10 In the B-3-A zoning district only on-premise signs are
11 permitted.

- 12 (1) One on-premise marquee sign may be attached to the
13 marquee but not extend into or over the public
14 right-of-way, provided such signs do not exceed
15 five (5) feet in height and may extend as long as
16 the marquee. Those signs projecting above or below
17 the marquee shall be erected at a ninety degree
18 (90°) angle to the building, and shall project no
19 more than six (6) feet. The sign shall not project
20 above the cornice wall or roof of the building.
- 21 (2) On-premise wall signs on building facades attached
22 to the face of the building, or mansard roof or
23 substantially parallel thereto and not projecting
24 above or beyond the roof or top of the cornice
25 wall, are permitted. Such wall signs shall project
26 not more than twelve (12) inches from the facade of
27 the building. The copy area of such wall signs per
28 building facade shall be as follows:
- 29 (i) If the sign is located up to fifty (50) feet
30 height above the sidewalk, it shall not exceed
31 fifty (50) square feet;
- 32 (ii) If the sign is located over fifty (50) feet
but less than one hundred (100) feet above the
sidewalk, it shall not exceed one hundred
(100) square feet;
- (iii) If the sign is located over one hundred (100)
feet above the sidewalk, it shall not exceed
three hundred (300) square feet.
- (3) One on-premise free-standing sign per development
parcel per street frontage is permitted. Such
sign shall not exceed one hundred (100) square feet
in area and shall have a maximum height of thirty
five (35) feet, and shall be located a minimum of
five (5) feet from the front lot line and five (5)
feet from the side lot line.
- (4) See Section 34-050 (K) for residential spacing
requirements.
- (5) Strings of light bulbs may be used and signs may
blink or flash, except for the area covered by the
Calhoun Street Sign Ordinance. Signs having
electronically changing copy area shall not exceed
the provisions of paragraph (1) and (2) above.
- (6) Signs located in the Calhoun Street Transit Mall
shall comply with the Calhoun Street Sign
Ordinance, Chapter 3.5 of the Code of the City of
Fort Wayne as well as this Ordinance. In the event
of conflict between this ordinance and the Calhoun
Street Ordinance, the Calhoun Street Ordinance will
apply.

(D) B-3B and B-4 ZONING DISTRICTS

- (1) On-premise wall signs on the building facades or mansard roof, substantially parallel thereto, and not projecting beyond the roof or top of the cornice wall, are permitted. The copy of such wall signs per building facade shall not exceed thirty percent (30%) coverage of the wall face, or two hundred fifty (250) square feet whichever is less.
- (2) One on-premise free-standing sign per developed per street frontage is permitted.
 - (i) The free-standing sign shall not exceed two hundred fifty (250) square feet in area and a maximum height of fifty (50) feet.
 - (ii) The signs shall be no closer than five (5) feet to the front property line and no closer than five (5) feet to the side property line.
 - (iii) See Section 34-050 (K) for residential spacing requirements.
- (3) In lieu of the sign permitted in paragraph (2) above, one on-premise projecting sign for each business may project from the building a maximum of six (6) feet and shall not project above the roof line or top of a cornice wall. Such sign shall have a minimum clearance of eight (8) feet above the walk or grade below, and a maximum area of fifty (50) square feet.

Where more than one business is located on the development parcel, the on-premise projecting signs shall be combined. The combined sign shall not exceed one hundred (100) square feet in total area.
- (4) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below. The sign shall not project above the cornice wall or roof of the building.
- (5) Off-premise signs are permitted as follows:

1 (i) Off-premise signs not exceeding one hundred
2 (100) square feet in area are permitted except
3 in the Central Business District which is
4 bounded by the railroad right-of-way to the
5 south, Clay Street to the east, Van Buren
6 Street to the west, and the river to the
7 north. Each off-premise sign may contain a
8 maximum of two (2) sign faces facing the same
9 direction as long as the total sign area is
10 not exceeded and the two (2) faces are not
11 separated by more than a 12 inch distance.
12 Such sign shall be no closer than fifteen (15)
feet to the front lot line and shall not
exceed thirty-five (35) feet in height. Such
sign shall be spaced at least three hundred
(300) lineal feet from any other off-premise
sign in any direction along frontage on both
sides of a street and cross streets. Such
off-premise sign shall not be located within a
two hundred fifty (250) foot radius from any
City or County residential district or from
any church, school and health care facility.
Such off-premise sign shall not be located
closer than one hundred fifty (150) lineal
feet from any City or County office district.

13 (ii) In lieu of item (i) above, off-premise signs
14 not exceeding three hundred (300) square feet
15 in total area are permitted except in the
16 Central Business District which is bounded by
17 the railroad right-of-way to the south, Clay
18 Street to the east, Van Buren Street to the
19 west, and the river to the north. Each off-
20 premise sign may contain a maximum of two (2)
21 sign faces facing the same direction as long
22 as the total area is not exceeded and the two
23 (2) faces are not separated by more than a
24 twelve (12) inch distance. Such sign shall be
25 no closer than twenty (20) feet to the front
26 lot line, and shall not exceed thirty-five
27 (35) feet in height. Such sign shall be
28 spaced at least five hundred (500) lineal feet
29 from any other off-premise sign in any
30 direction along frontage on both sides of a
31 street and cross streets.

32 Such off-premise sign shall not be located
within three hundred (300) lineal feet from
any City or County residential district or
from any church, school and health care
facility.

Such off-premise sign shall not be located
closer than one hundred fifty (150) lineal
feet from any City or County office district.

1 (iii) In lieu of items (i) and (ii) above, off-
2 premise signs not exceeding six hundred
3 seventy-five (675) square feet in area are
4 permitted except in the Central Business
5 District which is bounded by the railroad
6 right-of-way to the south, Clay Street to the
7 east, Van Buren Street to the west, and the
8 river to the north. Such signs shall be no
9 closer than thirty (30) feet to the front lot
10 line, shall not exceed a height of thirty-five
11 (35) feet and shall be spaced at least seven
12 hundred fifty (750) lineal feet from any other
13 off-premise sign in any direction along
14 frontage on both sides of a street and cross
15 streets.

16 Such off-premise signs shall not be located
17 within a two hundred fifty (250) foot radius
18 from any City or County residential district
19 or from any church, school or health care
20 facility.

21 Such off-premise sign shall not be located
22 closer than two hundred fifty (250) lineal
23 feet from any City or County office district.

24 (iv) A double-faced off-premise sign or a V-type
25 off-premise sign not exceeding an angle of
26 sixty degrees (60°) and no further than twelve
27 (12) inches at the closest point between the
28 two faces shall be exempt from the spacing
29 requirements between such two sign faces only.

30 34.090 - Permitted Signs: Industrial Districts

31 (A) M-1, M-2, AND M-3 ZONING DISTRICTS.

32 (1) On-premise wall signs, attached to the face of the
building, or mansard roof or substantially parallel
thereto and not projecting above or beyond the
roof or top of the cornice wall, are permitted.
The copy area of such wall signs per building
facade shall not exceed thirty percent (30%)
coverage of the wall face or three hundred (300)
square feet, whichever is less.

(2) One on-premise free-standing sign on each street
frontage per development parcel is permitted.

(i) The sign shall not exceed three hundred (300)
square feet in area and fifty (50) feet in
height.

(ii) The sign shall be located no closer than five
(5) feet from the front lot line and five (5)
feet from the side lot line.

(iii) See Section 34-050 (K) for residential spacing
requirements.

- (3) One on-premise marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five (5) feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a ninety degree (90°) angle to the building, and shall project no more than six (6) feet with a minimum clearance of eight (8) feet above the walk or grade below. The sign shall not project above the cornice wall or roof of the building.
- (4) In lieu of the sign permitted in paragraphs (2) and (3) above, one on-premise projecting sign for each business may be substituted. Such projecting sign may project from the building a maximum of eight (8) feet and shall not project above the roofline or top of a cornice wall. Such sign shall have a minimum clearance of eight (8) feet above the walk or grade below and a maximum area of forty (40) square feet.
- (5) Off-premise signs are permitted as follows:
- (i) Off-premise signs not exceeding one hundred (100) square feet in total area are permitted except in the Central Business District which is bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north. Such sign shall be no closer than fifteen (15) feet to the front lot line and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least three hundred (300) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.
- Such sign shall not be located within a two hundred fifty (250) foot radius from any City or County residential districts or from any church, school and health care facility.
- Such off-premise sign shall not be located closer than one hundred fifty (150) lineal feet from any City or County office district.
- (ii) In lieu of item (i) above, off-premise signs not exceeding three hundred (300) square feet in total area are permitted except in the Central Business District which is bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north. Such sign shall be no closer than twenty (20) feet to the front lot line and shall not exceed thirty-five (35) feet in height. Such sign shall be spaced at least five hundred (500) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.
- Such sign shall not be located within three hundred (300) lineal feet from any City or County residential district or from any church, school and health care facility. Such sign shall not be located closer than one hundred fifty (150) lineal feet to any City or County office district.

(iii) In lieu of items (i) and (ii) above, off-premise signs not exceeding six hundred seventy-five (675) square feet in area are permitted except in the Central Business District which is bounded by the railroad right-of-way to the south, Clay Street to the east, Van Buren Street to the west, and the river to the north. Such signs shall be no closer than thirty (30) feet to the front lot line, shall not exceed a height of thirty-five (35) feet and shall be spaced at least seven hundred fifty (750) lineal feet from any other off-premise sign in any direction along frontage on both sides of a street and cross streets.

Such off-premise signs shall not be located within a two hundred fifty (250) foot radius from any City or County residential district or from any church, school or health care facility.

Such off-premise sign shall not be located closer than one hundred fifty (150) lineal feet from any City or County office district.

(iv) A double-faced off-premise sign or a V-type off-premise sign not exceeding an angle of sixty degree (60°) and no further apart than twelve (12) inches at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.

34.100 - Planned Districts

The Planned Districts addressed by the zoning ordinance covers all districts which require a development plan to be approved by the Plan Commission. These districts shall include PUD, POD and B-2. In order for any special sign treatment to be approved in these districts, the developer shall submit a "master sign program" for that development for the approval of the Plan Commission.

(A) Such planned program shall include the following information for each sign:

- (1) Size of sign face;
- (2) A rendering of each sign type including height;
- (3) Lighting; and
- (4) Location.

(B) Such signs shall conform to all the requirements of that district, or as approved by the City Plan Commission.

34.110 - Other Permitted Signs

The following signs shall be permitted in the areas specified if they comply with all the requirements of this Chapter. The following signs shall not require a permit, unless otherwise noted:

- 1 (A) In all residential zoning districts, on-premise free-
2 standing signs not exceeding twenty (20) square feet in
3 area nor five (5) feet in height, and no closer than ten
4 (10) feet to any lot line identifying multiple family
5 housing complexes, neighborhood associations and sub-
6 division areas at each entrance, shall be permitted;
7 provided, that if the sign is a part of an approved
8 landscape screen, then the copy area shall not exceed
9 thirty-two (32) square feet, nor six (6) feet in
10 height. Signs within a required front yard may be
11 located only at the entrance from a major street to the
12 multiple housing complex or subdivision area. No more
13 than two signs may be located at any entrance.
- 14 (B) In any non-residential zoning district, a subdivision
15 identification sign at each entrance, shall be permitted
16 under the following conditions:
- 17 (1) One sign per main entrance is permitted. The area
18 of the sign, including support structure, shall not
19 exceed seventy-five (75) square feet.
- 20 (2) It shall not be located closer than five (5) feet
21 to the front lot line and five (5) feet from the
22 side lot line.
- 23 (3) The height of such signs shall not exceed five (5)
24 feet, with the height to be determined by a
25 measurement from the ground level at the lowest
26 grade level within two (2) feet of either side of
27 the sign.
- 28 (4) Such sign shall only be for the identification of
29 the subdivision.
- 30 (C) In any zoning district, the following signs shall be
31 permitted for churches and schools and shall require a
32 permit.
- (1) One on-premise free-standing sign per street
frontage, the area of the sign not to exceed fifty
(50) square feet including the sign structure, and
a height not to exceed seven (7) feet. Signs shall
not be located closer than five (5) feet to the
front lot line and five (5) feet from the side lot
line.
- (2) Additionally, one on-premise wall sign is permitted
with the area of the sign not exceeding thirty-two
(32) square feet.
- (3) One temporary sign not exceeding thirty-two (32)
square feet in area and five (5) feet in height is
permitted for a maximum of seven (7) days for an
event. Such sign shall not be located closer than
five (5) feet to the front lot line and five (5)
feet from the side lot line.
- (D) In any zoning district, the following on-premise signs
shall be permitted:
- (1) Official signs authorized by a government or sub-
division thereof, including traffic, directional,
and warning signs, public notices, and
proclamations erected or displayed in discharge of
any government function, or where required by law,
ordinance or regulation;

- (2) Flags or banners of any government or subdivision thereof, or of any educational, charitable, religious, political, civic or service organization;
 - (3) Historical or commemorative plaques or tablets;
 - (4) Memorial plaques, tablets, or building cornerstones, when cut or carved into a masonry surface, or when made of incombustible material and made an integral part of the building or structure it identifies;
 - (5) Street names and numbers;
 - (6) Reflectors and other safety signs or devices used to mark driveways, towers, airport approaches, and other potentially dangerous structures or situations; as well as warning signs for underground public utilities are permitted;
 - (7) Murals, exclusive of any sign copy area, painted on the wall of a building, fence, or similar structure shall be permitted;
 - (8) Historically significant signs may be exempted from the provisions of this chapter after being reviewed and approved by the Historic Preservation Review Board and in conformance with any historic preservation ordinance adopted by the City;
 - (9) Information and/or direction signs are not to exceed six (6) square feet in area and three (3) feet in height which direct traffic within a premise or which identify the location of rest rooms, telephone, freight entrances, etc. are permitted. The sign may include name of business or logo.
 - (10) Temporary institutional signs, not to exceed thirty-two (32) square feet in area announcing a campaign drive or other event of a civic, philanthropic, education or religious organization are permitted. These signs shall be permitted not more than thirty (30) days prior to the event and shall be removed within seven (7) days after the event;
 - (11) Warning signs, warning the public against hunting, fishing, trespassing, dangerous animals, swimming, etc. are permitted, provided the area of such signs not exceed four (4) square feet and height not exceeding three (3) feet.
- (E) The following signs are permitted on the premises used as service stations in addition to those signs otherwise permitted in the zoning district in which such service stations are located:
- (1) Signs are permitted on either face of the gas pump not to exceed a total copy area of four (4) square feet each side per motor fuel dispenser;
 - (2) One additional on-premise wall sign per street frontage not exceeding six (6) square feet of area each is permitted;
 - (3) One additional on-premise canopy sign per canopy face, except if it faces an abutting City or County residential or office district, not to exceed fifty (50) square feet per face;

(4) One two faced sign per street frontage, identifying self-service, full service and gas prices, each face not to exceed fifty (50) square feet in area.

(F) In any commercial district, two (2) on-premise free-standing signs each not to exceed twenty (20) square feet in area or one (1) on-premise free standing sign not to exceed thirty-two (32) square feet in area functioning as menu boards are permitted in conjunction with an eating establishment utilizing ordering from the vehicle; provided, any sign shall not exceed six (6) feet in height, and shall not be permitted in the required front or side yard of the district in which it is located.

(G) Signs painted, printed or mounted on vehicles which are incidentally displayed on any vehicle in connection with the use of such vehicle for transportation purposes, are permitted, provided such vehicles are licensed and operable.

34.120 - Temporary Signs

The following temporary signs shall be permitted with specific regulations as set out below and shall not require a permit:

(A) In any zoning district, at such time that the property is placed on the market, one on-premise real estate sign may be erected on each street frontage of a premise, identifying an offer for the sale, rent or lease of all or part of the premise on which it is located. Such sign shall be removed within seven (7) days after closing the sale, renting or leasing of the property, and under the following conditions:

(1) In any residential district, such real estate sign shall not exceed six (6) square feet of area. It may be located in a required yard. Its height is not to exceed four (4) feet.

(2) In any other zoning district, such real estate sign shall not exceed thirty-two (32) square feet in area. It may be located in a required yard. Its height is not to exceed eight (8) feet.

(B) In any zoning district, an auction sign is permitted, the area of the sign shall not exceed thirty-two (32) square feet and a height of six (6) feet. The sign is permitted for twenty-one (21) days prior to the event and must be removed within five (5) days after the event.

(C) Holiday decorations for religious or national holidays are permitted. Such decorations may blink, flash or move and may be located in a required yard, provided, however, that no such holiday decoration shall interfere with traffic or present any other hazard to the safety or welfare of the public.

1 (D) One temporary construction sign per street frontage
2 shall be permitted at a construction site to identify
3 the nature of the construction and those persons or
4 firms associated within, including contractors,
5 architects, finance companies and owners. Such signs
6 shall not exceed sixteen (16) square feet of area and
7 six (6) feet in height when located in residential
8 districts. In any other zoning districts, if such sign
9 is located within one hundred (100) feet of any
10 residential district along side and front lot line it
11 shall not exceed sixty-four (64) square feet of area and
12 twelve (12) feet in height. If such sign is located
13 more than one hundred (100) feet from any residential
14 district along side and front lot line, it shall not
15 exceed one hundred twenty-eight (128) square feet in
16 area and twenty (20) feet in height. Such signs may be
17 located five (5) feet or more from the front lot line.
18 If such sign is located in a residential district under
19 development that consists of five (5) acres or more,
20 then the sign shall not exceed one hundred twenty-eight
21 (128) square feet in area and twenty (20) feet in
22 height.

23 (E) In all business and industrial zoning districts,
24 temporary wall signs not to exceed thirty-two (32)
25 square feet in area identifying special sales and
26 openings, shall be permitted on the premises of
27 commercial establishments for no more than sixty (60)
28 days in any calendar year.

29 (F) In all residential districts, a garage sale sign is
30 permitted in connection with a garage sale, yard sale,
31 carport sale, home moving or other similar sale. Such
32 sign shall not exceed four (4) square feet in area nor
three (3) feet in height and may be located in the
required front yard. Such sign may be placed no more
than seven (7) days prior to the garage sale and shall
be removed as soon as the garage sale is over.

(G) In all nonresidential districts, a sign announcing
moving of a business to a new location is permitted for
a period of sixty (60) days. Such sign shall not exceed
thirty-two (32) square feet in area and eight (8) feet
in height.

(H) Banners, pennants and flags shall be permitted for
nonprofit civic activities only.

34.130 - Special Sign District

In any nonresidential district, occupants of sixty percent
(60%) or more of the street frontage of any block face, may
petition the City Plan Commission for the formation of a
special sign district for the purpose of defining an area of
particular historical, ethnic, cultural or entertainment
atmosphere. Those occupants shall present proposed sign
criteria to the City Plan Commission for review and approval.

34.140 - Variance Procedure

The Board of Zoning Appeals may approve or deny a variance
for area, location, spacing and height of signs from the
terms of the sign ordinance. The Board may impose reasonable
conditions as part of its approval. The basis of granting a
variance will be to determine if there is an undue, adverse
impact on the surrounding area. The petitioner for a
variance must notify landowners within three hundred (300)
feet of the proposed sign, utilizing a form of notice
recognized and approved by the Economic Development
Department of the City.

34.150 - Conformity

It shall be illegal for any sign to be placed, erected or constructed except as provided in this Chapter. Any person, firm or corporation violating any provisions of this Chapter, or failing to comply with any order or regulation made hereunder shall be in violation and subject to all penalties thereof.

34.160 - Nonconforming Signs

Reasonable repairs, alterations and conversions may be made to nonconforming signs as long as location, height and area is the same or less than as that of a nonconforming sign or meets the requirements of this ordinance. However, in the event that any such sign is hereafter damaged by any means whatsoever, including an act of God, and the damage exceeds fifty percent (50%) of the replacement value according to certified documentation such sign may be restored, reconstructed, altered or repaired only in conformance with the provisions of this Chapter.

34.170 - Enforcement

It shall be the duty of the Neighborhood Code Enforcement Officer to enforce the provisions of this Chapter in the manner and form with the powers provided by this Chapter and any and all other provisions of this Code, and as provided in the laws of the State of Indiana.

All departments, officials and employees of the City who are vested with the city or have authority to issue permits or licenses shall not issue any permit or license for any sign which would conflict with the provisions of this Chapter.

34.180 - Filing Fees

Applications for Improvement Location Permits shall be paid to and collected by the Division of Community and Economic Development per fees established by the City Plan Commission:

No part of any filing fee paid pursuant to this Chapter shall be returnable to the applicant or petitioner.

34.190 - Penalties and Injunctive Relief

- (A) Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer or any other party who violates any provision of this Chapter, shall be fined not less than Twenty-Five (\$25.00) Dollars nor more than Three Hundred (\$300.00) Dollars for each offense. Each day of the existence of any violation of the Chapter shall be a separate offense.

1 (B) The erection, construction, enlargement, conversion,
2 moving or maintenance of any sign and the use of any
3 sign which is continued, operated or maintained contrary
4 to any provisions of this Chapter, is hereby declared to
5 be a nuisance and in violation of this Chapter and
6 unlawful unless otherwise permitted in this Chapter.
7 The Division of Community and Economic Development, by
8 its Department of Neighborhood Code Enforcement, in the
9 name of the City and/or its Corporation Counsel, may
10 institute a suit for injunction in the Circuit Court or
11 any Superior Court of the County to restrain any person
12 or governmental unit from violating any provision of
13 this Chapter and to cause such violation to be
14 prevented, abated or removed. Such action may also be
15 instituted by any property owner who may be especially
16 damaged by the violation of any provision of this
17 Chapter.

18 (C) The remedies provided for in this Chapter shall be
19 cumulative and not exclusive and shall be in addition to
20 any other remedies provided by law.

21 34.200 - Severability of Provisions of this Chapter

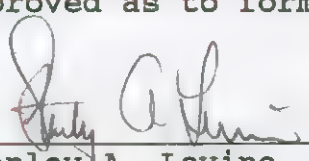
22 If any section, clause, provision or portion of this Chapter
23 is adjudged unconstitutional or invalid by a court of
24 competent jurisdiction, the remainder of this Chapter shall
25 not be affected thereby.

26 34.300 - Reference Charts

27 SECTION 3. That this Ordinance shall be in full force and
28 effect from and after its passage and any and all necessary
29 approval by the Mayor and legal publication thereof.

30 
31 Councilmember

32 Approved as to form and legality

33 
34 Stanley A. Levine
35 Legal Advisor to
36 Fort Wayne Common Council

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County, Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry, seconded by Redd, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

majority veto was upheld by Common Council June 11, 1991.

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>3</u>	<u>4</u>		<u>2</u>
BRADBURY		<u>✓</u>		
BURNS		<u>✓</u>		
EDMONDS		<u>✓</u>		
GIAQUINTA				<u>✓</u>
HENRY	<u>✓</u>			
LONG				<u>✓</u>
REDD	<u>✓</u>			
SCHMIDT		<u>✓</u>		
TALARICO	<u>✓</u>			

DATED: 6-11-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. _____ on the _____ day of _____, 19____

ATTEST:

(SEAL)

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

PAUL HELMKE, MAYOR

Read the first time in full and on motion by Henry, seconded by Edmond, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 5-14-91.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry, seconded by GiaQuinta, and duly adopted, placed on its passage. PASSED ~~POST~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
TOTAL VOTES	<u>6</u>	<u>3</u>		
BRADBURY		<u>✓</u>		
BURNS	<u>✓</u>			
EDMONDS		<u>✓</u>		
GiaQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT		<u>✓</u>		
TALARICO	<u>✓</u>			

DATED: 5-28-91.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) ~~(APPROPRIATION)~~ (GENERAL) ~~(SPECIAL)~~ (ZONING MAP) ORDINANCE RESOLUTION NO. 2-14-91. on the 28th day of May, 1991

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of May, 1991, at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

VETOED (See attached statement dated 6/10/91)

PAUL HELMKE, MAYOR

6/8/91 P. HILL



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

HELMKE VETOS SIGN ORDINANCE CITING NEIGHBORHOOD CONCERNS
For Release Monday, June 10, 1991

Mayor Paul Helmke announced today that neighborhood concerns prompted him to veto the sign ordinance adopted by the City Council on Tuesday, May 28, 1991: "Residents are concerned that this latest version of the sign ordinance will lead to more billboards in our neighborhoods, not fewer. A number of our neighborhood association presidents, as well as members of the Board of Zoning Appeals, have asked me to veto the City Council ordinance. The interests of the neighborhoods need to be given at least as much weight as the interest of the billboard industry in constructing a sign ordinance. While the latest version of the sign ordinance has a number of good points, the chance that it can lead to more billboards in neighborhood areas has lead me to veto this ordinance."

The sign ordinance was adopted by the City Council on Tuesday, May 28, 1991 by a six to three vote. A two-thirds vote of Council is needed to override a Mayor's veto. The Council will consider whether to override the veto at its meeting on Tuesday, June 11, 1991.

Of particular concern to the Mayor, and neighborhood groups was the Council action in allowing a "lineal" measure for distances between signs rather than a "radial" measure. The Board of Zoning Appeals has been using a "radial" standard for some time in dealing with billboards. It is this portion of the ordinance, in particular, that makes it less restrictive than the present sign ordinance.

A Citizen's Committee formed to study the sign ordinance last fall recommended the "radial" measurement, with the representative of the billboard industry dissenting. In adopting this version of the sign ordinance, the City Council adopted the argument of the billboard industry rather than the arguments of the study committee and the neighborhood groups.

####

For more information, contact Rebecca Fisher at 427-1120.
One Main Street, Fort Wayne, Indiana 46802

File full
5/28

BILL NO. G-91-05-01

Committee of the Whole

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS C. HENRY, CHAIRMAN
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, BRADBURY

Committee of the Whole
REGULATIONS

WE, YOUR COMMITTEE ON _____ TO WHOM WAS

REFERRED AN (ORDINANCE) (XXXXXXXXXX) (RESOLUTION) _____ CONCERNING THE
PLACEMENT OF SIGNS WITHIN THE CITY LIMITS OF FORT WAYNE,
INDIANA

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION) _____

DO PASS

DO NOT PASS

ABSTAIN

NO REC

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

[Signature]
[Signature]

DATED: *5-28-91*

Sandra E. Kennedy
City Clerk